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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Edward J Gladney,

10 Plaintiff,

11 v.

12 JT Shartle, et al.,

13 Defendants.
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No. CV-17-00427-TUC-DCB

ORDER

15 Currently pending before the Court are the following motions: Plaintiff's Motion
16 for Summary Judgment (Doc. 76) and the Defendant the United States' Motion to Dismiss
17 for Lack of Subject Matter Jurisdiction and Alternative Crossmotion for Summary
18 Judgment (Doc. 109). The Plaintiff's Response to the United States' combined dispositive
19 motion was due on July 6, 2019; the Reply in support of Plaintiff's Motion for Summary
20 Judgment was due on July 6, 2019. On July 7, 2019, the Plaintiff filed a Motion for Leave
21 to File Additional Pages to exceed no more than 10 additional pages for Plaintiffs'
22 responses to Defendants' dispositive motions.

23 Accompanying the Motion to Exceed the Page Limit, Plaintiff filed a Response in
24 Opposition to Defendant's Motion to Dismiss (14 pages) (Doc. 113) and Supplemental
25 Response (5 pages) (Doc. 113-1); Response in Opposition to Defendant's Cross-Motion
26 for Summary Judgment, and Request for Sanctions (16 pages) (Doc. 114), and Response
27 to Defendant's Cross-Motion in Opposition to Plaintiff's Motion for Summary Judgment,
28 or Alternatively, Motion to Stay (8 pages) (Doc. 115). The Response (Doc. 115) appears

1 to be a Reply in support of Plaintiff's Motion for Summary Judgment. The Plaintiff filed a
2 Statement of Disputed Facts (Doc. 116) and Second Supplemental Statemetn of
3 Undisputed Facts (Doc. 117).

4 In total the responsive briefs exceed the 17 pages allowed for responsive
5 memoranda and objections. LRCiv 7.2(e)(1). The Court will allow the excess pages. The
6 Court will not stay the case pursuant to Fed. R. Civ. P. 56(d) to allow further discovery
7 because discovery is closed, and the Plaintiff does not allege unavailability of evidence
8 during the time allowed for discovery in this case. (Order (Doc. 89)).

9 **Accordingly,**

10 **IT IS ORDERED** that the Motion to Exceed Pages (Doc. 112) is GRANTED.

11 **IT IS FURTHER ORDERED** that the Motion to Stay (Doc. 115) is DENIED.

12 **IT IS FURTHER ORDERED** that the Plaintiff's Response to Defendant's Cross-
13 Motion in Opposition to Plaintiff's Motion for Summary Judgment, (Doc. 115) shall be
14 treated as a Reply supporting Plaintiff's Motion for Summary Judgment (Doc. 76).

15 Dated this 9th day of July, 2019.

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Honorable David C. Bury
United States District Judge